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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/716,138

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EXAMINER

LEIVA, FRANK M

ART UNIT

PAPER NUMBER

3714

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/716,138	Applicant(s) OKADA, KAZUO	
	Examiner FRANK M. LEIVA	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgements

1. The examiner acknowledges claim amendments filed 30 January 2009, to claims 1, 8, 14 and 16.

Response to Arguments

2. Applicant's arguments with respect to claims 1 and 14 have been considered but are moot in view of the new ground(s) of rejection. The argument directed to claim 8; *"Similar amendments are made to claim 8. The variable display device and the payout display device recited in claim 8 are the counterparts of the main display device and the image display device recited in claims 1 and 14, respectively,"* the examiner points to the amendment not including a superimposed image device and the argument is not within the scope of the claim, thus the 102(e) rejection based on Lemay is maintained, and the limitation of the "separate controllers" is examined on the merits below.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 8 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Lemay et al (US 6,802,778 B1).

5. Regarding claim 8; Lemay discloses a gaming machine comprising
a variable display device for variably displaying a plurality of symbols, (col. 1:29-43 and col. 9:22-27);

a lottery device for operating a lottery of a winning combination, (col. 6:58-62);
a stopping control device for controlling and stopping the variable display device on a basis of a result of the lottery, (col. 5:1-3), wherein the invention includes a video slot machine and thus incorporated are the known displaying of the winning combinations.

a payout device for on the basis of an amount of the payout set for the winning combination when a stopped state of the variable display device reaches a symbol combination equal to the winning combination, (col. 5:1-3), incorporated in a known video slot machine, the stopping of the reels occurs at the winning combination;

a payout display device for displaying the winning combination and at least the amount of payout to be paid out, (col. 5:1-3);

a payout changing device for changing the amount of payout by applying one kind of payout data from a plurality of kinds of payout data with respect to one kind of game, based on a selected operation for the game to be played (col. 4:24-27);

a first control device for allowing the variable display device to display a password input screen, (col. 4:28-46); and

a second control device (inherent microprocessor architecture requires a second and third control devices to run every peripheral) for allowing the payout display device (LED credit meter for all gaming machines) (col. 3:60-4:4) to display the winning combination and at least the amount of payout to be paid, (col. 4:28-46), introduces a multiple use for the input device that can be used during play to affect game choices such as cash out or displaying credits won or for the purpose of setting up the machine, requiring a different control process that includes password protection, (col. 3:8-16) where the those skill in the art understand how to program and use microprocessors to

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implement the processes described, such as using separate control circuits to control the main display and the credits display.

6. Regarding claim 13; Lemay discloses that the password input screen displays a pseudo-keyboard, (col. 5:24-26).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-5, 7, 9-12 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozaki et al. (2001/0031658 A1), in view of Lemay et al (US 6,802,778 B1).

9. Regarding the analogous art combination, Ozaki discloses a pattern display and gaming machine where a superimposed semi-transparent video display is used to modify the symbols of the reels behind and to display menus and information and Lemay discloses a gaming machine in which the casino operator can modify the percentage take of the game by selecting a menu of paytables available. Both inventions are related to gaming machines and menu driven interface systems.

10. Regarding claims 1 and 14; Ozaki discloses gaming machine comprising: a plurality of reels for variably displaying each of a plurality of symbols thereon, (Fig. 1 and ¶ [0046]);

a main display device disposed in front of the plurality of reels, (Fig. 2);

an image display device for displaying an image that differs from the symbols of the reels, (Fig. 14); a payout device for paying out a number of media when a winning combination is determined, (Fig. 7); and

a controller for executing a predetermined program and controls the reels, the main display device, the image display device and the payout device, (Fig. 4) circuit 63 controls the main display device and circuits 57-59 separate from the first controller, controls the reels display;

the controller including a first control circuit for controlling the main display device and a second control circuit that is independent of the first control circuit and used for controlling the image display device, (Fig. 4; circuit 63 controls the main display device and circuits 57-59 separate from the first controller, controls the reels display; wherein the controller operates a lottery of a winning combination according to the predetermined program, (¶ [0061-0062]);

the controller controls and stops a changing display of the reel based on the winning combination obtained by the lottery, (¶ [0062]);

the controller allows the payout on the basis of an amount of payout set to the winning combination when a stop mode of the reel matches a symbol combination of the winning combination, (¶ [0062]);

the controller causes the second control circuit to allow the image display device to display the winning combination and an amount of payout, (Fig. 4 and 14, and ¶ [0011]);

the controller has a plurality of kinds of payout data with respect to one kind of game, and applies one kind of payout data based on a selected operation for the game to be played, (¶ [0083]);

While Ozaki discloses the player having game selections, Ozaki is not explicit to a support menu for the casino operator and password input screens. Lemay teaches wherein the controller is operative to cause the first control circuit to allow a support menu and password input screen to be displayed on the main display device such that, after an operator enters a correct password on the password input screen displayed by

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the main display device, the support menu is displayed on the main display device so that the operator selects from the support menu at least a first mode, the at least first mode enabling the operator to at least change the amount of payout from a first payout amount to a second payout amount being different from the first payout amount, (col. 4:8-36).

Given that Ozaki discloses a gaming device with a mechanical reels system and a superimposed video display that used the video display not only for the base game and bonus, but also as an interface device for the player to select games and view game data, but Ozaki does not teach the use of the front display for the programming of the paytables by the operator, and Lemay teaches the use of a touch screen overlaid on top of a video screen to program the games paytables and available games using a security code or password. Thus, since the marketplace reflects the reality that having a device with a touchscreen would be commonplace to use the touchscreen to facilitate the programming of the paytables and all game options, it would have been obvious to one of ordinary skill in art of casino gaming at the time of applicant's invention to modify Ozaki with modern touchscreen menus and security system as shown in Lemay, in order to gain the commonly understood benefits of such adaptation, such as increased reliability and simplified operation. A more simplified GUI is a more reliable and accurate system.

11. Regarding claim 2; Ozaki and Lemay disclose all the limitations of claim 1 from which claim 2 depends and Lemay further discloses that the image display device is formed by an electric display device and displays a plurality of images with reference to the amount of payout, (co. 4:28-35).

It would have been obvious to one of ordinary skill in art of casino gaming at the time the invention was made to modify Ozaki with modern graphics to display game information to the player such as payout amounts to comply with the requirements of many gaming jurisdictions in the United States.

12. Regarding claim 3; Ozaki and Lemay disclose all the limitations of claim 1 from which claim 3 depends and Lemay further discloses that the controller operates in a plurality of operating modes for changing the amount of payout, (col. 4:28-30), wherein the terminal is place in a configuration mode.

It would have been obvious to one of ordinary skill in art at the time of applicant's invention to enhance the machine modes of Ozaki after reading the disclosure of Lemay in order to use the touchscreen capabilities of the video screen, thus in order to setup the machine options via the touchscreen the machine must be powered up and into a setup mode separate from the game mode and secured from player access.

13. Regarding claim 4; Ozaki and Lemay disclose all the limitations of claims 1 and 3 from which claim 4 depends and Lemay further discloses that at least one of the operating modes changes a probability of the lottery, (col. 4:28-35), whereas changing paytables inherently changes probability of outcomes.

It would have been obvious to one of ordinary skill in art at the time of applicant's invention to enhance the machine modes of Ozaki after reading the disclosure of Lemay in order to use the touchscreen capabilities of the video screen to setup the machine payout and percentage options via the touchscreen and thus eliminating the common setup errors by entering data manually rather than selecting from a menu.

14. Regarding claim 5; Ozaki and Lemay disclose all the limitations of claims 1, 3 and 4 from which claim 5 depends and Lemay further discloses that at least one of the operating modes changes the probability of the lottery for a bonus winning combination, (col. 6:44-62), wherein the system includes a special payout for Pre-Draw winning hands different from Post-Draw hands.

It would have been obvious to one of ordinary skill in art at the time of applicant's invention to modify the machine modes of Ozaki after reading the disclosure of Lemay to allow the game to change different probabilities for the bonus game since it already allows to change the probabilities of the lottery (or base game) as in claim 4, it would

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require adjusting the bonus games to maintain the overall game hold. (Base probability + bonus probability = total win probability).

15. Regarding claim 7; Ozaki and Lemay disclose all the limitations of claim 1 from which claim 7 depends and Lemay further discloses wherein the controller also authenticates effectiveness of a password inputted from the password input screen by an operation of a manager for managing the gaming machine, and changing the amount of payout on the basis of a result of an authentication device, (col. 4:28-36).

It would have been obvious to one of ordinary skill in art at the time of applicant's invention to enhance the machine modes of Ozaki after reading the disclosure of Lemay in order to use the touchscreen capabilities of the video screen, thus in order to setup the machine options via the touchscreen the machine must be powered up and into a setup mode separate from the game mode and secured from player access.

16. Regarding claim 9; Ozaki and Lemay disclose all the limitations of claims 1 and 2 from which claim 9 depends and Lemay further discloses that the amount of payout is changed by selecting the plurality of images, (col. 5:21-29), wherein the plurality of images may be the available prizes to be selected, as is normal for a touchscreen system.

It would have been obvious to one of ordinary skill in art at the time of applicant's invention to modify Ozaki after reading the disclosure of Lemay in order to use the payout schedules to determine the payout according to the game selected (or outcome) images on the payline. It is understood that the payout changes according to the outcome of the game.

17. Regarding claim 10; Ozaki and Lemay disclose all the limitations of claims 1 and 2 from which claim 10 depends and Lemay further discloses that the amount of payout is changed by changing each of data shown in the plurality of images, (col. 4:34-46).

It would have been obvious to one of ordinary skill in art at the time of applicant's invention to modify Ozaki after reading the disclosure of Lemay in order to use the payout schedules to determine the payout according to the game selected (or outcome) images on the payline. It is understood that the payout changes according to the outcome of the game.

18. Regarding claim 11; Ozaki and Lemay disclose all the limitations of claims 1 and 3 from which claim 11 depends and Lemay further discloses that at least one of the operating modes for changing the amount of payout is selected, (col. 4:28-36).

It would have been obvious to one of ordinary skill in art at the time of applicant's invention to modify Ozaki after reading the disclosure of Lemay in order to select game modes using the touchscreen capabilities of the video screen to setup the machine payout and percentage options via the touchscreen to facilitate the casino operators programming of the machine.

19. Regarding claim 12; Ozaki and Lemay disclose all the limitations of claim 1 from which claim 12 depends and Lemay further discloses that the password input screen displays a pseudo-keyboard, (col. 5:24-26).

It would have been obvious to one of ordinary skill in art at the time of applicant's invention to modify Ozaki after reading the disclosure of Lemay in order to display a keyboard simulation on the screen to use the touchscreen capabilities of the video screen to setup the machine payout and percentage options via the touchscreen GUI system facilitating the casino operators programming of the machine.

20. Regarding claim 15; Ozaki and Lemay disclose all the limitations of claim 14 from which claim 15 depends and Lemay further discloses that in the at least first mode, the operator is enabled to change a first winning probability to a second winning probability being different from the first winning probability, (col. 4:40-46).

It would have been obvious to one of ordinary skill in art at the time of applicant's invention to modify Ozaki after reading the disclosure of Lemay to allow the casino operator during setup mode to change the machine's PAR (percentage hold) from one selection to another from a menu in order to reduce the time it takes for programming the machines setup.

21. Regarding claim 16; Ozaki and Lemay disclose all the limitations of claim 14 from which claim 16 depends on and Lemay further discloses wherein, in the at least first mode, the controller is operative to cause at least one of a plurality of payout-rate setting screens to be displayed on the image display device, each one of the plurality of payout-rate setting screens having a plurality of tables of payout-rate data, each one of the plurality of tables of payout-rate data being different from one another, (col. 4:28-46 and figs. 2-4).

It would have been obvious to one of ordinary skill in art at the time of applicant's invention to modify Ozaki after reading the disclosure of Lemay to have a plurality of different PAR choices since Lemay has multiple game choices and multiple paytables available to choose from. This known technique allows greater flexibility for casino operators to set up the machines percentage hold to the levels selected by management.

22. Regarding claim 17; Ozaki and Lemay disclose all the limitations of claims 14 and 16 from which claim 17 depends and Lemay further discloses that each one of the plurality of table of payout-rate data includes a series of prize-winning combinations and a number of media to be disbursed upon payout for each one of the series of prize winning combinations and an internal-winning probability for each one of the series of prize-winning combinations, (fig. 5 and col. 5:3-11).

It would have been obvious to one of ordinary skill in art at the time of applicant's invention to modify Ozaki after reading the disclosure of Lemay in order to use the payable winning combinations to determine the prizes awarded according to the probability of outcome in order to maintain an overall percentage hold for the machine.

Examiner's Note

23. Examiner has cited paragraphs and figures in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANK M. LEIVA whose telephone number is (571)272-2460. The examiner can normally be reached on M-Th 9:30am - 5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter D. Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JAMES S. MCCLELLAN/

Primary Examiner, Art Unit 3714

FML

07/09/2009